

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,)	
)	
Plaintiff,)	
v.)	C.A. No. 05-495 (JJF)
)	
LAWNS UNLIMITED LTD., and,)	
EDWARD FLEMING)	
Defendants.)	
)	

**Defendants' Motion for Extension of Time to Complete
Discovery**

Defendants Lawns Unlimited Ltd. ("Lawns") and Edward Fleming, hereby request an extension of the June 1, 2007 discovery cut-off and modification of the case scheduling order for the reasons that follow:

1. Defendants filed a Motion for Judgment on the Pleadings on January 31, 2007. (D.I. 44). In their Brief in Support of their Motion, Defendants request that the Court dismiss Plaintiff's Complaint in its entirety on several grounds, including failure to plead sufficient facts, insufficiency of process, insufficiency of process, and failure to timely file within the applicable statute of limitations. (D.I. 45).
2. Plaintiff, who is proceeding *pro se*, failed to respond within the time permitted. On February 2007, the Court ordered Plaintiff to submit a response, if any, on or before March 9, 2007. (D.I. 47). Plaintiff filed her five-paragraph response on March 7, 2007. (D.I. 50).
3. The following week, Defendants noticed Plaintiff's deposition and issued discovery requests. (D.I. 51, 53, 54). Plaintiff responded, in part, to Defendants' discovery requests. (D.I. 76, 78). Defendant issued a second round of discovery requests

on April 30, 2007. (D.I. 82-84). Again, Plaintiff partially responded to those requests. (D.I. 93-95).

4. Also during this period, numerous discovery motions were filed. Defendants filed a Motion requesting that the deposition of Defendant Fleming not be conducted at the workplace of Plaintiff's father-in-law, who was ordered not to provide legal advice to Plaintiff. (D.I. 58). On April 13, 2007, Plaintiff filed a Motion to Compel Cancellation of her deposition, which had been properly noticed for April 20, 2007 and, contemporaneously, filed a Motion to Compel Fleming's deposition. After receiving incomplete discovery responses, Defendants filed a Motion to Compel Plaintiff to provide responses in compliance with the Federal Rules. (D.I. 81).

5. Based on information and belief, the parties intended to take minimal depositions. Plaintiff expected to depose only Mr. Fleming and Defendants expected to depose Plaintiff and were undecided about deposing Plaintiff's husband and father-in-law. No depositions have yet been taken because, pursuant to Judge Farnan's procedures, all discovery is stayed while discovery motions are pending.

6. The discovery period was scheduled to end on June 1, 2007. At that time, there were multiple discovery motions pending, as well as Defendants' Motion for Judgment on the Pleadings. Case dispositive motions are due on or before June 15, 2007. (D.I. 46).

7. Because no depositions have been taken and, Defendants contend, their discovery requests have not been fully answered, Defendants are unable to provide the Court with any information in addition to those asserted in their Motion for Judgment

on the Pleadings. Therefore, Defendants are currently unable to prepare a summary judgment motion, although they desire to do so.

8. Defendants believe that an extension of the discovery cut-off deadline pending the Court's decision on the Motion for Judgment on the Pleadings is warranted. In light of the fact that the Court's ruling will shape the issues of the case, which are currently unknown, or, alternatively, dismiss the claims altogether, Defendants believe that an extension will best serve the interests of justice and judicial economy.

9. Defendants believe that a discovery cut-off date of 60 days following the Court's ruling on Defendants' Motion for Judgment on the Pleadings will provide the parties with sufficient time to conduct the depositions and complete discovery.

10. Because Plaintiff is *pro se*, Defendants have not been able to meet and confer with the opposing attorneys on the matters set forth in this Motion, pursuant to Local Rule 7.1.1.

Respectfully submitted,

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Margaret M. DiBianca

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Attorneys for Defendants

DATED: June 8, 2007

EXHIBIT

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Defendants.)	
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ORDER

WHEREFORE, this ____ day of _____, 2007,

Defendants' Motion for Extension of Time to Complete Discovery having been duly heard and considered, is hereby GRANTED. The discovery cut-off shall be 60 days following the issuance of the Court's ruling on Defendants' Motion for Judgment on the Pleadings. The Case Scheduling Order is hereby modified to reflect such change.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Margaret M. DiBianca, Esquire, hereby certify that on June 8, 2007, I electronically filed a true and correct copy of **Defendants' Motion for Extension of Time to Complete Discovery** with the Clerk of the Court using CM/ECF. I further certify that on June 8, 2007, I caused to be served two (2) true and correct copies of the foregoing **Defendants' Motion for Extension of Time to Complete Discovery** on the following non-registered participant via U.S. Mail and via postage prepaid, First Class Certified U.S. Mail/Return Receipt Requested:

Renee M. Butz, *pro se*
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YOUNG CONAWAY STARGATT & TAYLOR, LLP

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DATED: June 8, 2007